

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

JANIE FOSTER (AS SUBSTITUTE FOR JAMES FOSTER, DECEASED WAGE EARNER)	§	
	§	CIVIL ACTION NO. 6:08-CV-00364
v.	§	
COMMISSIONER, SOCIAL SECURITY ADMINISTRATION	§	

ORDER ADOPTING REPORT AND  
RECOMMENDATION OF UNITED STATES  
MAGISTRATE JUDGE

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this action, has been presented for consideration. The Report and Recommendation recommends that the complaint be dismissed. Plaintiff filed written objections to the Report and Recommendation on April 14, 2010.

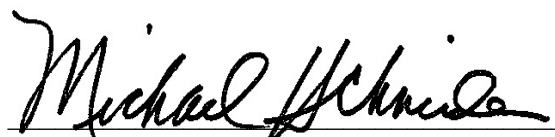
Having made a *de novo* review of the objections filed by Plaintiff, the Court finds that the findings, conclusions and recommendation of the Magistrate Judge are correct and the objections are without merit. There is substantial evidence in the record supporting the Commissioner's finding that Plaintiff was not disabled as defined in the Social Security Act during the relevant time period. The findings and conclusions of the Magistrate Judge are therefore adopted as those of the Court.

In light of the foregoing, it is

**ORDERED** that the complaint is hereby **DISMISSED WITH PREJUDICE**. It is further

**ORDERED** that any motion not previously ruled on is **DENIED**.

**SIGNED this 4th day of May, 2010.**



MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE